

30526. Adulteration of strawberry preserves. U. S. v. 6 Cases, 34 Cases, and 19 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. No. 45031. Sample No. 64024-D.)

Examination of this product showed the presence of moldy berries.

On or about March 24, 1939, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of strawberry preserves at Walla Walla, Wash.; alleging that the article had been shipped in interstate commerce on or about July 5 and 16, 1938, by Kerr Conserving Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Kerr's Pure Preserves Strawberry."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30527. Adulteration of canned salmon. U. S. v. 49 Cases and 48 Cases of Salmon. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. Nos. 44062, 44063. Sample Nos. 35710-D, 35711-D.)

This product was in part decomposed.

On October 5, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned salmon at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Taylor Edwards Warehouse & Transfer Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Milton Quality Red Alaska Salmon * * * M. I. Kimball & Co. Distributors Lawrence, Mass."; or "Silver Harvest Brand Red Alaska Sockeye Salmon * * * Wm. W. McBride Co., Seattle, Wash. Distributors."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 14, 1938, North Pacific Sea Foods Co., Dayville, Alaska, claimant, having admitted the allegations of the libel and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30528. Misbranding of canned tuna flakes. U. S. v. 43 Cases and 25 Cases of Tuna Flakes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 44950, 44951. Sample Nos. 59658-D, 59659-D.)

This product was short of the declared weight.

On March 7, 1939, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cases of canned tuna flakes at Schenectady, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about October 22, 1938, by the Halfhill Co., Ltd., from Los Angeles, Calif., and in part on or about December 17, 1938, by West Coast Packing Corporation from Long Beach, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jes-so Tuna Fakes Contents 13 Oz. Avoir. Packed For Sweet Life Food Distributors Brooklyn, New York."

It was alleged to be misbranded in that the statement "Contents 13 Oz. Avoir." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 1, 1939, Grosberg-Golub Co., Inc., Schenectady, N. Y., claimant for both lots, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*